

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

Robert J. Kelly, Esq.  
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TUDOR INSURANCE COMPANY,

Plaintiff,

v.

FIRST ADVANTAGE LITIGATION  
CONSULTING, LLC,

Defendant.

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FIRST ADVANTAGE LITIGATION  
CONSULTING, LLC,

Counterclaimant and Cross-  
Complainant,

v.

AMERICAN INTERNATIONAL  
SPECIALTY LINES INSURANCE  
COMPANY, FEDERAL INSURANCE  
COMPANY, TUDOR INSURANCE  
COMPANY, and ZURICH AMERICAN  
INSURANCE COMPANY,

Counterclaim Defendants.

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Civil Action No.: 1:11-cv-03567 (KBF)  
Related Case: 1:11-cv-8923 (KBF)

Hon. Katherine B. Forrest, U.S.D.J.

*Civil Action*

**COUNTERCLAIM DEFENDANT  
ZURICH AMERICAN INSURANCE  
COMPANY'S REPLY STATEMENT OF  
FACTS PURSUANT TO LOCAL CIVIL  
RULE 56.1 IN FURTHER SUPPORT OF  
ITS MOTION FOR SUMMARY  
JUDGMENT**

Counterclaim Defendant Zurich American Insurance Company (“Zurich”) submits the following reply statement of undisputed material facts pursuant to Local Civil Rule 56.1 in further support of its motion for summary judgment:

1. On three separate occasions during the underlying NuWave action – on summary judgment, on a motion for reconsideration, and at trial – the trial court denied First Advantage Litigation Consulting, LLC's request that the October 2002 BackTrack Report and the May 2004 BackTrack Report be dismissed from the lawsuit on statute of limitations grounds. See Reply Declaration of Robert J. Kelly, Esq., Exhibit A, 64:2-68:22.

By: s/Robert J. Kelly

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